

REMARKS

In the Office Action dated July 2, 2004, claims 1-4, 7-11, 16, and 19-22 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,332,584 (Bakeman); claims 5, 6, and 17 were rejected under § 103 over Bakeman in view of U.S. Patent No. 6,003,802 (Eaton); and claims 12-15 and 18 were rejected under § 103 over Bakeman alone.

Claims 1 and 7 have been cancelled, without prejudice, to render the rejections of the claims moot.

Claim 12 has been amended from dependent form to independent form, with its scope *unchanged*. It is respectfully submitted that the obviousness rejection of claims 12-15 and 18 over Bakeman alone is improper. The Office Action conceded that Bakeman fails to disclose a splicing tape having a generally V-shaped tape. Nonetheless, the Office Action stated that the claimed subject matter would have been obvious. To support this obviousness rejection, the Office Action made the following assertion:

However, it would have been an obvious to design the splicing tape of Bakeman, Jr. because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

7/2/2004 Office Action at 3.

The Office Action has failed to cite to any evidence, whether in the prior art references of record or in knowledge generally available at the time of the invention, that would provide the requisite suggestion to modify the design of Bakeman to achieve the subject matter of claims 12-15 and 18. Without the requisite evidence to establish the suggestion to modify Bakeman, the obviousness rejection is clearly defective.

In fact, the teaching of Bakeman is inconsistent with the subject matter of claims 12-15 and 18. Claim 12 recites that the edge of the splicing tape is generally V-shaped. However, Bakeman teaches that the ends 22<sub>E</sub> of the splicing tape 220 should be parallel to a helical scan data track 238. Bakeman, 3:23-28. Bakeman states that providing splices that replicate a path that a transducing head will travel over magnetic tape will cause "very few data tracks" to be "sacrificed to the deformations or print-through." Bakeman, 3:52-55. In other words, Bakeman teaches that the splice ends should be parallel to slanted helical data tracks such that deformations or print-through caused by the splice would render fewer data tracks to be useless. A person of ordinary skill in the art looking to the teachings of Bakeman would not have been

led to use a V-shaped edge on a splice, as such a V shape would *not* be parallel to slanted helical data tracks of a magnetic tape. The evidence of record thus indicates that a person of ordinary skill in the art would not have been motivated to modify Bakeman to achieve the claimed subject matter of claims 12-15 and 18. Withdrawal of the obviousness rejection of claim 12 is respectfully requested.

Independent claim 19 has amended to recite that the end edge of the splicing tape is generally V-shaped. Therefore, claim 19 is also allowable over Bakeman for reasons similar as for claim 12.

Claim 8 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 8 recites that a data tape has a second end portion having a second end edge, the second end edge being slanted with respect to the side edges of the data tape. The data tape also has a first end portion attached to the splicing tape. In the rejection of claim 8 over Bakeman, the Office Action did not even acknowledge the language of claim 8 that recites that the second end edge of a second end portion of the data tape is slanted. The slanting noted by the Office Action on page 2 with respect to the rejection of claim 8 is regarding the splicing tape. Therefore, the rejection of claim 8 over Bakeman is defective as the Office Action has apparently ignored an express element of claim 8.

As depicted in Figures 5 and 7 of Bakeman, dashed lines indicating the edges of the magnetic tape 222 adjacent the edge of the leader 224 indicate that the edge of the magnetic tape 222 is perpendicular to the side edges 236 of the magnetic tape 222. No teaching is provided whatsoever regarding the other end of the magnetic tape 222 – specifically, no teaching is provided by Bakeman that the second end edge of the magnetic tape 222 is slanted with respect to the side edges of the magnetic tape 222. Therefore, claim 8 is not disclosed by Bakeman.

Claim 10 has been amended from dependent form to independent form, with the scope of claim 10 remaining *unchanged*. Claim 10 recites that the data tape has a first end portion attached to the splicing tape, where the first end portion of the data tape has a first edge slanted with respect to the side edges of the data tape. Again, in the rejection of claim 10, the Office Action has failed to acknowledge the express language of claim 10 that the *data tape* has a slanted edge. The Office Action referred only to the slanted edge of the splicing tape. The anticipation rejection of claim 10 is therefore defective.

Moreover, as shown by Figures 5 and 7 of Bakeman, the end edge of a magnetic tape 222 that is attached to the splice 220 is perpendicular to the side edges 236 of the magnetic tape 222. Therefore, clearly, Bakeman provides no teaching of a data tape with an end portion having a slanted edge. Figure 8 of Bakeman also does not depict a slanted edge at an end portion of the data tape, only slanted edges 220E-8 of the splice 220-8. Therefore, claim 10 is also not anticipated by Bakeman.

Independent claim 16 has been amended to recite that the end portions of each of the data tape and second tape (that are coupled by a splicing tape) has inclined end portion edges. The inclined end portion edges of the data tape and second tape are clearly not disclosed by Bakeman.

Claim 21 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 21 has been slightly reworded to improve form in view of the amendment of claim 21 to independent form—however, the amendment does not affect the substantive scope of the claim. Claim 21 is allowable over Bakeman for reasons similar to those as claim 8, as Bakeman fails to disclose providing a slanted edge at a second end portion of the data tape that is mounted onto the reel. This language of claim 21 was not acknowledged at all by the Office Action, which mentions only the slanted edge of a splicing tape.

Dependent claims, including newly added dependent claims 23-26, are allowable for at least the same reasons as corresponding independent claims. Allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (HPC.0080US)

Respectfully submitted,

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